

### **REMARKS**

The Examiner has rejected Claims 1-3 under 35 U.S.C. 102(b) as being anticipated by Hartelius et al. 6,035,857 (“the ‘857 patent”). The Examiner has indicated that claims 4-7 would be allowable if rewritten in independent form to include the limitations of the claims 1-3. Applicant notes, however, that the ‘857 patent fails to disclose a front skirt portion of the upper back shelf containing a plurality of recesses therein, as recited in claim 3 of the instant application. In fact, the ‘857 patent does not disclose recesses of any kind on the front skirt portions of any of its many shelves.


According, Applicant has amended claim 1 and cancelled claims 2 and 3, claim 1 as amended incorporating the limitations of former claims 2 and 3. Claims 4-7 now depend from claim 1, as amended, and are, therefore, also allowable.

Also, the Examiner has rejected Claims 8-10 under 35 U.S.C. 102(b) as being anticipated by Binggely 2,688,408 (“the ‘408 patent”). Applicant must respectfully disagree. The ‘408 patent, once assembled, does not contain rectangular panels that are hingedly attached to each other. The hinge, or more precisely, hinge lines [see col. 3, lines 49-57] serve to assist with the assembly of the utility stand. However, once assembled, the panels of the stand are locked together, and not hingedly attached. [See col. 3, lines 30- 43.] See also Col. 6, lines 69-71 stating, “The side panels 35 are provided with locking tabs 101 and the base panel 32 with locking tabs 103 and 103 cut and creased as shown in Fig. 7.” Accordingly, Applicant submits that claims 8-10 are allowable over the ‘408 patent without amendment.

With the foregoing amendments, Applicant respectfully requests that the Examiner pass the application as allowable.

A three-month Petition for Extension of Time Under 37 CFR 1.136(a) is being submitted with this Response. Please charge any additional fees that may be due to Deposit Account No. 13-1981.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kwadjo Adusei-Poku', written over a horizontal line.

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